IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3007 OF 2005

Smt.Rajkumari @ Surtibai
Harisingh Dingnot ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.M.S.Mohite for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 15,2005.

P.C.:

1. Heard Counsel appearing for the parties. The learned A.P.P. states that the concerned Investigating Officer is present in the Court. This Application is for grant of anticipatory bail. An offence has been registered under Sections 498-A, 406, 304-B and 34 of the Indian Penal Code at Ulhasnagar Police Station. The Complainant is the father of the daughter-in-law of the Applicant. The complaint was filed on 16th April 2005 by the complainant alleging that the complainant's daughter was being ill-treated by the Applicant, her husband and her sons as the complainant's daughter was not complying with the various demands made by the Applicant and other family members. It is stated in the complaint that the marriage was solemnised between the daughter of the complainant and the son of the Applicant on 14th December 1999. On 15th April 2005 the daughter committed suicide by consuming poison.

2. The Application made by the Applicant in the Trial Court has been rejected. The learned Additional Sessions Judge rejected the said Application as there was a prima facie case

and that the connection between the Applicant and offence is disclosed.

3. The learned Counsel appearing for the Applicant submitted that the Applicant is suffering for Cardiac Disease and diabetes and she is undergoing treatment. The case papers of K.E.M. Hospital, Mumbai are annexed to the Application. He pointed out that the Applicant's both sons have been arrested and now they have been remanded to the judicial custody.

4. The learned A.P.P. has opposed this Application by pointing out that the charges against the Applicant are very serious and are grave in nature. In response to the query made by the Court the learned A.P.P. fairly stated that the Applicant has attended the Ulhasnagar Police Station on 11,12 and 13th May 2005 between 11.00 a.m. to 2.00 p.m. and is cooperating with the Investigating Officer.

5. There is some material on record to show that the Applicant is suffering from Cardiac ailment. The allegations made against the Applicant in the F.I.R. are very general in nature. The complainant has not ascribed any specific role to the Applicant. Moreover, the sons of the Applicant have already been arrested and after initial police custody, they have been remanded to judicial custody. The Applicant has attended the Police Station and is cooperating for the investigation. Nothing is placed on record to show that the custodial interrogation of the Applicant is required.

6. Hence the Applicant is entitled to relief. As held by the

Apex Court the grant of anticipatory bail will enure to the benefit of the Applicant only for a limited period.

7. Hence, I pass the following order :

i) In the event of arrest of the Applicant in connection with C.R.No.I-82/05 registered at Ulhasnagar Police Station, District Thane, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- (Rupees fifteen thousand only) with one or two sureties in the like amount.

ii) Anticipatory bail is granted subject to the condition that the Applicant will cooperate with the Investigating Officer and will remain present as and when called upon to do so.

iii) The Applicant will not make any effort either directly or indirectly to influence or pressurise the prosecution witnesses and to tamper with the evidence.

iv) This order will enure to the benefit of the Applicant till the charge sheet is filed. Thereafter, the Applicant will be at liberty to make appropriate application before the Regular Court.

JUDGE